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10/082,650	02/25/2002	Richard E. Rowe	29757/P-480	3654
4743	7590	11/03/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP			JONES, SCOTT E	
6300 SEARS TOWER			ART UNIT	
233 S. WACKER DRIVE			PAPER NUMBER	
CHICAGO, IL 60606			3713	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/082,650

Applicant(s)

ROWE, RICHARD E.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 37-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/25/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed on June 28, 2004 in which applicant amends claims 1, 9, 16, 27, 29, cancels claims 33-36, amends the specification, corrects the drawings, submits a supplemental information disclosure statement, and responds to the claim rejections. Claims 1-32 and 37-42 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 16-18, 22-24, 29-32, 37, and 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiltshire et al. (U.S. 6,409,602).

Wiltshire et al. discloses a slim terminal gaming system wherein a player(s) at a remote client/terminal computer(s) is allowed to access multiple computer game programs via one or more server/host computers through a network, such as, the Internet. Wiltshire et al. additionally discloses:

Regarding Claims 16, 22, 29, 31, 32, 37, 40, 41, and 42:

- a first gaming server (server/host computer **110**) that facilitates play of a first game by a player utilizing one of said remote player devices (remote client/terminal computers **120**), said first gaming server comprising a controller that comprises a processor and a memory in which image data corresponding to a video image representing said first game is

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- stored, said controller being programmed to facilitate play of said first game and said first game being one of the following games: poker, blackjack, slots, keno or bingo (Claim 1, Figure 1D, Column 4, lines 43-65, Column 5, lines 45-65, Column 9, lines 13-37, Column 10, lines 6-14, Column 10, lines 54-61, Column 11, lines 39-43, and Column 1, lines 26-44);
- a second gaming server (server/host computer **110**) that facilitates play of a second game by a player utilizing one of said remote player devices (remote client/terminal computers **120**), said second game being different than said first game, said second gaming server comprising a controller that comprises a processor and a memory in which image data corresponding to a video image representing said second game is stored, said controller of said second gaming server being programmed to facilitate play of said second game and said second game being one of the following games: poker, blackjack, slots, keno or bingo (Claim 1, Figure 1D, Column 4, lines 43-65, Column 5, lines 45-65, Column 9, lines 13-37, Column 10, lines 6-14, Column 10, lines 54-61, Column 11, lines 39-43, and Column 1, lines 26-44); and
  - a website server (network interface **110/115**) that is capable of being operatively coupled via the Internet (communication pathways **130**) to said remote player devices, said website server capable of being operatively coupled to said first and second gaming servers, said website server comprising (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1):
  - a controller that comprises a processor and a memory (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1); and

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- a network communications circuit coupled to said controller of said website server, said network communications circuit allowing data to be communicated between said controller of said website server and said remote player devices (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1),
- said controller of said website server being programmed to cause player data received from said one remote player device to be stored in memory (Column 4, lines 29-33),
- said controller of said website server being programmed to cause data representing a game selection display (virtual casino floor showing video poker, kenō, slots, black jack, etc. game selections) to be transmitted to said one remote player device, said game selection display comprising a first image representing said first game and a second image representing said second game (Figure 4B),
- said controller of said website server being programmed to receive data representing a game selection from said one remote player device (Column 8, lines 51-55),
- said controller of said website server being programmed to facilitate data communication between said one remote player device and said first gaming server if said player selected said first game for play (Claim 1), and
- said controller of said website server being programmed to facilitate data communication between said one remote player device and said second gaming server if said player selected said second game for play (Claim 1).

Regarding Claim 30:

- wherein said memory of said first gaming server stores image data representing an image of at least five playing cards if said first game comprises poker (Figure 7B),

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- wherein said memory of said first gaming server stores image data representing an image of a plurality of simulated slot machine reels if said first game comprises slots (Figure 5A),
- wherein said memory of said first gaming server stores image data representing an image of a plurality of playing cards if said first game comprises blackjack (Figure 6A),
- wherein said memory of said first gaming server stores image data representing an image of a plurality of keno numbers if said first game comprises keno (Figure 9B), and
- wherein said memory of said first gaming server stores image data representing an image of a bingo grid if said first game comprises bingo (Column 1, lines 26-44).

Regarding Claims 17 and 23:

- wherein said controller of said first gaming server comprises a plurality of processors capable of parallel operation (Claim 1).

Regarding Claims 18 and 24:

- wherein said first game and said second game are the same type of game (Figure 6A and 7B). Blackjack is depicted in figure 6A and Poker is depicted in figure 7B. Both are the same type of game, that game being a card game.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2-4, 8-12, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (U.S. 6,409,602) in view of Vuong et al. (U.S. 5,762,552).

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Wiltshire et al. discloses that as discussed above regarding claims 16-18, 22-24, 29-32, 37, and 40-42. Wiltshire et al. additionally discloses:

Regarding Claim 8:

- wherein said first game may be played exclusively via said first gaming server, wherein said controller of said first gaming server is not programmed to facilitate play of said second game, and wherein said memory of said first gaming server does not store image data corresponding to a video image representing said second game (Claim 1); and
- wherein said second game may be played exclusively via said second gaming server, wherein said controller of said second gaming server is not programmed to facilitate play of said first game, and wherein said memory of said second gaming server does not store image data corresponding to a video image representing said first game (Claim 1).

Regarding Claim 10:

- wherein said first image comprises a first icon (virtual casino floor showing video poker button (Icon) 440, keno button (Icon) 460, slots button (Icon) 450, black jack button (Icon) 430, etc. game selections) and wherein said second image comprises a second icon (virtual casino floor showing video poker button (Icon) 440, keno button (Icon) 460, slots button (Icon) 450, black jack button (Icon) 430, etc. game selections) and wherein said controller of said website server is programmed to cause data representing said first and second icons to be transmitted to said one remote player device (Claim 1 and Figure 4B).

Although Wiltshire et al. strongly suggests logging on a game server via a network, Wiltshire et al. lacks explicitly disclosing this feature. Wiltshire lacks explicitly disclosing:

Regarding Claims 1, 9, and 27:

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- said controller of said website server being programmed to cause logon display data to be transmitted to one of said remote player devices via said network communications circuit when said one remote player device is operatively coupled to said website server.

Vuong et al. teaches of a networked based gaming system that enables a number of players to place wagers on real-time games of chance conducted in a casino via a distributed network system.

Therefore, Vuong et al. and Wiltshire et al. are analogous art. Vuong et al. additionally teaches :

Regarding Claims 1, 9, and 27:

- said controller of said website server being programmed to cause logon display data to be transmitted to one of said remote player devices via said network communications circuit when said one remote player device is operatively coupled to said website server (Figure 4, Column 8, line 52-Column 9, line 14).

It would have been obvious at the time of Applicant's invention to modify Vuong's logon function in Wiltshire. One would be motivated to do so in order for Wiltshire's system to access a website as shown in figure 3 and to facilitate the accounting server/host disclosed in Wiltshire (Column 4, line 66-Column 5, line 13) in order to readily track a particular player's gaming activity and financial winnings/losses.

6. Claims 5, 13, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (U.S. 6,409,602) in view of Vuong et al. (U.S. 5,762,552) and further in view of Moody (U.S. 6,098,985).

Wiltshire et al. in view of Vuong et al. teaches to one having ordinary skill in the art that as discussed above regarding Claims 1, 2-4, 8-12, and 27-28. Although Wiltshire et al. discloses a gaming system wherein a player can play a poker game, Wiltshire et al. seems to lack explicitly disclosing:



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Regarding Claims 5, 13, 19, and 25:

- a game comprises a multi-hand poker game.

Moody teaches of a computer game system wherein a player can play multiple hands of poker. Since Wiltshire et al., Vuong et al., and Moody each teach of game systems wherein a player can play a game of poker on a computer game system, they are analogous art. Furthermore, Moody teaches:

Regarding Claims 5, 13, 19, and 25:

- a game comprises a multi-hand poker game (Column 1, lines 37-52).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Moody's multi-hand poker game in Wiltshire in view of Vuong's gaming system. One would be motivated to do so because the game allows a player to discard and replace unwanted cards with replacement cards in a first poker hand, distribute the cards kept in the first hand to the remaining hands, and play poker for each of the poker hands, wherein the player is paid for any winning poker hands based upon a pay table and the amount of the player's wager making the game very exciting.

7. Claims 6, 7, 14, 15, 20, 21, 26, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (U.S. 6,409,602) in view of Vuong et al. (U.S. 5,762,552) and further in view of Holch et al. (U.S. 6,089,982).

Wiltshire et al. in view of Vuong et al. teaches to one having ordinary skill in the art that as discussed above regarding Claims 1, 2-4, 8-12, and 27-28. Although Wiltshire et al. discloses each client/terminal computer (120) includes wagering or bet acceptor device (150), such as a coin collector, a bill collector, a smart-card reader, a credit card reader, etc, Wiltshire et al. seems to lack explicitly disclosing:

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Regarding Claim 6:

- wherein said controller of one of said gaming servers is programmed to encrypt data transmitted to said website server and wherein said controller of said website server is programmed to decrypt data received by said website server from one of said gaming servers.

Regarding Claims 7, 15, 21, and 26:

- wherein one of said controllers of one of said gaming servers is programmed to determine whether a data communication received by said one gaming server was transmitted by an authorized sender.

Regarding Claims 14 and 20:

- wherein said controller is programmed to decrypt data received by said website server from one of said gaming servers.

Regarding Claim 38:

- encrypting said first game display data prior to transmitting said first game display data from
- said gaming apparatus to said website computing apparatus; and
- encrypting said second game display data prior to transmitting said second game display data from said gaming apparatus to said website computing apparatus.

Regarding Claim 39:

- decrypting said wager data after receiving said wager data from said website computing apparatus.

Holch et al., like Wiltshire et al. and Vuong et al., teaches of an online gaming system wherein a player is allowed to select from multiple wagering games to play at a player terminal.

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Therefore, Holch et al., Wiltshire et al., and Vuong et al. are analogous art. Furthermore, Holch et al. teaches of encrypting player pin and account data while communicating over a network. Holch et al. teaches:

Regarding Claim 6:

- wherein said controller of one of said gaming servers is programmed to encrypt data transmitted to said website server and wherein said controller of said website server is programmed to decrypt data received by said website server from one of said gaming servers (Figure 5a and Column 6, lines 52-65).

Regarding Claims 7, 15, 21, and 26:

- wherein one of said controllers of one of said gaming servers is programmed to determine whether a data communication received by said one gaming server was transmitted by an authorized sender (Figure 5a and Column 6, lines 52-65).

Regarding Claims 14 and 20:

- wherein said controller is programmed to decrypt data received by said website server from one of said gaming servers (Figure 5a and Column 6, lines 52-65).

Regarding Claim 38:

- encrypting said first game display data prior to transmitting said first game display data from said gaming apparatus to said website computing apparatus (Figure 5a and Column 6, lines 52-65); and
- encrypting said second game display data prior to transmitting said second game display data from said gaming apparatus to said website computing apparatus (Figure 5a and Column 6, lines 52-65).

Regarding Claim 39:

- decrypting said wager data after receiving said wager data from said website computing apparatus (Figure 5a and Column 6, lines 52-65).

Additionally, securing sensitive data over a network such as the Internet via encryption techniques are notoriously well known. For instance, encryption techniques can be used for accessing personal finance accounts at financial institutions on the Internet or purchasing merchandise from a retailers website. Therefore, it would have been obvious at the time of Applicant's invention to utilize encryption techniques, such as those discussed in Holch to transmit data securely in Wiltshire in view of Vuong. One would be motivated to do so because providing a secure data interface enables a remote game player to have a piece of mind when making financial transactions, such as wagers via a credit card, over the Internet.

#### ***Response to Arguments***

8. Applicant's arguments, see pages 17-20, filed June 28, 2004, with respect to the rejection(s) of claim(s) 1, 2-4, 8-12, and 27-28 under 35 U.S.C. 102(e) as being anticipated by Wiltshire et al. (U.S. 6,409,602) have been fully considered and are persuasive because Wiltshire et al. does not explicitly disclose a login function. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wiltshire et al. (U.S. 6,409,602) in view of Vuong et al. (U.S. 5,762,552).
9. Applicant's arguments, see pages 2-4, filed June 28, 2004, with respect to the objection to the abstract and the specification have been fully considered and are persuasive. The objections of the Abstract and specification have been withdrawn.
10. Applicant's arguments, see page 16 and the replacement drawing sheets, filed June 28, 2004, with respect to the objection to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn.

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11. Regarding Claims 16-21, Applicant alleges Wiltshire does not disclose a website server having a controller that controls the operation of the website server to perform game selection retrieval and transmission. The examiner respectfully disagrees. The Server/Host Computer (110) clearly performs this function in Wiltshire et al.

12. Regarding Claims 22-26, Applicant alleges Wiltshire does not disclose a website controller that controls the operation of a website. The examiner respectfully disagrees. The Server/Host Computer (110) clearly performs this function in Wiltshire et al.

13. Regarding Claims 29-32, Applicant alleges Wiltshire does not disclose a method of operating a website computing apparatus that includes the retrieval of game display data from a first gaming apparatus that facilitates play of a first game if the game selection data represents a first game or a method of operating a website computing apparatus that includes the retrieval of game display data from a second gaming apparatus that facilitates play of a second game if the game selection data represents a second game. The examiner respectfully disagrees. As discussed in the previous Office Action, Wiltshire discloses this feature (Claim 1, Figure 1D, Column 4, lines 43-65, Column 5, lines 45-65, Column 9, lines 13-37, Column 10, lines 6-14, Column 10, lines 54-61, Column 11, lines 39-43, and Column 1, lines 26-44).

14. Regarding Claims 37-42, Applicant alleges Wiltshire does not disclose a method of operating a gaming apparatus that includes transmitting first or second game display data that is included in a data communication having a destination address that specifies a player device, or receiving wager data from a website computing apparatus that is included in a data communication having a source address that specifies the player device. The examiner respectfully disagrees. The examiner believes this feature is inherent to Wiltshire's system. Otherwise, a player would not be able to play any of the games from Client/Terminal Computer (120).

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15. For the reasons discussed hereinabove, the examiner maintains the rejection to claims 16-18, 22-24, 29-32, 37, and 40-42 under 35 U.S.C. 102(e) as being anticipated by Wiltshire et al. (U.S. 6,409,602).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (703) 308-2064. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones  
Examiner  
Art Unit 3713



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